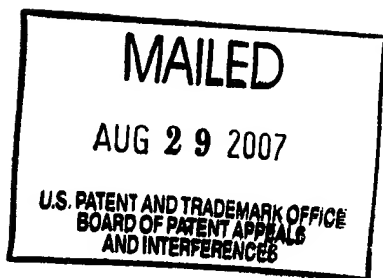


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ERIC MATTHYS  
and  
KAZIMIR GASLIEVIC

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Application 09/786,140

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on August 25, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

On March 2, 2005, an Order Returning Undocketed Appeal to Examiner was mailed which ordered that the application be returned to the examiner:

- 1) for a determination regarding the status of claim 8;
- 2) for issuance of a supplemental Examiner's Answer which contains the "Claims Appealed" section;
- 3) for issuance of a supplemental Examiner's Answer which contains a correct copy of claim 3, or for notification to appellants to submit a new Appendix to the Appeal Brief which contains the corrected data;
- 4) for taking corrective action regarding the signature or initials for Nihir Patel;
- 5) for taking corrective action regarding the appeals conference;
- 6) for written notification to appellants regarding the action taken; and
- 7) for such further action as may be appropriate.

The Examiner's Answer mailed February 27, 2007 corrected items 1, 2, and 4-7 above. However, item 3 is still defective. Page 2 of the Answer, under the heading "Claims Appendix," states:

The appealed claims in the appendix of the brief are incorrect. Claim 3 is incorrect. A correct copy of claim 3 is provided.


It should be noted that a correct copy of claim 3 did not appear to have been provided. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

- 1) to issue a PTOL-90 which includes a corrected copy of claim 3;
- and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
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PJN:psb

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